

REMARKS

Claims 1-4 and 6-32 are pending. Applicant has amended claims 1 and 19 to correct a couple of typographical errors, which put the application in better condition for appeal.

The Examiner has rejected the claims as follows:

1. Claims 1-8, 10-14, 16-22, and 24-27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bunney in view of Runyan; and

2. Claims 9, 15, 23, and 28-32 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bunney, Runyan, Aravanudan, and Munday.¹

Applicant respectfully traverses these rejections.

Bunney Reference

Bunney provides a solution to a problem that occurs when a user with multiple addresses (or identities) is logged on using one address. If a person sends a message to the user at a different address, the problem is that the user will not receive that message until the user logs on to that different address. Bunney's solution is to have a table that lists all the addresses of the user and whenever a message is received for an address other than the logged-on address, Bunney sends a notification to the logged-on address that a message has been received for another address.

¹ Applicant is quite surprised that the Examiner would make this action final. The Examiner had in the last office action rejected claims 29-32 under § 102 based on Isaacs. Although applicant responded under the assumption that the Examiner meant to reject the claims under Bunney and Runyan, applicant did not have the benefit of the Examiner's rationale for rejecting these claims under these references. Moreover, these claims are rejected under the combination of Bunney, Runyan, Aravanudan, and Munday. As such, applicant respectfully requests withdrawal of the finality of the outstanding office action.

Bunney describes a "notification server" that operates in an environment where a user has multiple identities. For example, a user may have the identities of "George@compu.xxx.com," "Superman@sports.xxx.com," and "Max@game.xxx.com." Bunney's technique allows a user who is logged on using one identity to receive notifications of messages sent to one of their other identities. For example, if a user is logged on to "George@compu.xxx.com" and a message is sent to "Superman@sports.xxx.com," the user is notified of the message via their "George@compu.xxx.com" identity. The user can then switch to their other identity to view the message. Bunney describes that a user when working in one identity can indicate that they do not want to receive notifications of messages sent to certain other of their identities. For example, a user logged on to a work-related identity may not want to receive notifications of messages sent to their recreation-related identity. Bunney describes that a server tracks the identities for each user and the "current" identity to which the user is currently logged on so that the notifications can be sent to the current identity as appropriate. (Bunney, 8:22-9:32.)

Bunney also describes a "session manager" that tracks the current state of a user such as available, away, invisible, or busy. The state defines the availability of the user to receive notifications from other users. For example, when in the available state, a user will receive notifications of messages from any user sent to another address, and when in the busy state, the user will not receive any such notifications of messages.

Applicants' Technology

Applicants' technology, in contrast, is directed to maintaining the master status of a user who may be logged on via multiple clients, such as in an instant messaging ("IM") environment. For example, a user may log on to the IM environment with an identity (e.g., user@xxx.com) using a desktop computer and again with the same identity using a personal digital assistant so that the user is logged on through both clients at the same time using the same identity. If the user then logs off from the personal digital assistant,

applicants' technology determines a master status, which in this simple case may still be online. Since the statuses can be at various levels of detail, such as busy, idle, out to lunch, back soon, and on the phone, and may be conflicting, such as busy and idle, the determination of the master status of a user may be more complex. For example, if one client reports a status of busy and then another client reports as status of idle, the determination may be to ignore the idle status and leave the master status as busy, since the user may be idle at one client but busy at another.

Analysis

Issue I. Whether one would be motivated to modify Bunney to have a user logged on to multiple client computers when Bunney overcomes a problem that occurs only when the user is logged on to only one client computer using only one address.

It is the Examiner's position that one would be motivated to modify Bunney to have a user logged on via both a first client computer and a second client computer "because it allows the user to be logged on to multiple devices and it allows other users to find them based on their state."² (Office Action, Feb. 28, 2006, p. 4.) The suggested modification would, however, force users to log on to multiple computers and avoid the need for Bunney's solution.

The Examiner's "modification" is not really a modification to Bunney, but rather simply a suggestion to entirely avoid the problem that Bunney solves. Bunney solves a problem that occurs when a user who has multiple addresses is logged on only to one of those addresses and a message is sent to another address. The Examiner's "modification" is to allow a user to log on to multiple addresses. This is not a "modification" to Bunney, but rather simply forcing a user to log on to multiple addresses so there would be no problem and no need for Bunney's solution.

² The Examiner has not pointed to anything in Runyan or Bunney that provides such a motivation to combine them.

The problem according to Bunney is that if a user is logged on via one address and a message is sent to another address of the user, the user will not be notified of the message. Bunney describes the problem as follows:

[w]hen a user has logged in with one of said several addresses, and the other addresses assigned to the same user are not in a logged-in state, no message or notification from a server or another user terminal can be forwarded to the user, when the notification or message is addressed to one of the addresses which are in a non-logged-in state.

(Bunney, 1:24-20, emphasis added.) Bunney solves this problem by allowing a server to maintain a table that associates each user with their assigned addresses. When the user is logged on using one address and a message is received for another address of that user, the server sends a notification of the message to the logged-on address so that the user will be notified of the message even though the user is not logged on to the address to which the message was sent.

If Bunney were modified, as the Examiner suggests, to allow "the user to be logged on to multiple devices" (presumably using different addresses) and a message was sent any of those devices, there would be no need for Bunney's solution at all. The Examiner's suggestion is thus not a suggestion to modify Bunney, but rather a suggestion to avoid the problem entirely by forcing the user to log on to multiple addresses, which would completely avoid the need for Bunney's solution.

Issue II. Even assuming, *arguendo*, that one would be motivated modify Bunney in some way to allow a user to be logged on to multiple computers, whether Bunney has any teaching or suggestion to determine a master status for such a user by evaluating a first status update, a first view status, and a second view status.

The Examiner believes that Bunney's logged-on address corresponds to the claimed "master status" and that Bunney's status (e.g., available and away) corresponds to the claimed "status" of the first status update. The Examiner points to Bunney at column 9,

lines 1-20 as teaching "evaluating at least the first status update, the first view status and the second view status ... to determine the master status of the electronic message user." (Office Action, Feb. 28, 2006, p. 3.) It is the Examiner's position that "Bunney discloses the server checking the table to see which address to send a notification to." (Id. at p. 4.) Apparently, the Examiner is suggesting that the "master status" is the address to which the notification is to be sent.

Bunney, however, neither teaches nor suggests that the logged-on address of a user is determined by evaluating the user's status (e.g., available and away) as would be required to meet the limitations, for example, claim 1. In addition, the Examiner has not even attempted to pointed to anything in Bunney that corresponds to a "first status view" and a "second status view" that indicates status of a user as detected by a first computer and a second computer as recited by the claims.

Issue III. Whether the combination of Bunney and Runyan describes maintaining a first view status when a user is logged on via a first client computer and a second view status when the same user is logged on via a second client computer.

It is the Examiner's position that Bunney at column 1, lines 60-67 describes maintaining a first view status when a user is logged on via a first client computer and a second view status when the user is logged on via a second client computer. (Office Action, Feb. 28, 2006, p. 3.) It is unclear what the Examiner believes in the relied-upon portion of Bunney corresponds to the claimed "first view status" and "second view status."

As discussed above, the Examiner apparently believes that "status" corresponds to Bunney statuses such as available or away. The entire relied-upon portion is as follows:

Messages can be sent from the server or a first user terminal to a second user terminal. When the user of the second user terminal has logged in with a first of the plurality of addresses assigned to him, the server checks the table containing the assignment information and a message is also sent to the user of the second

user terminal, when the message is sent to another address assigned to the same user than the address the user has logged in with.

(Bunney, 1:60-67.) There is nothing in this relied-upon portion that relates to Bunney's status. Applicant notes that the Examiner relies upon Runyan only as showing a user being logged on to multiple computer system, which has nothing to do with such statuses.

Conclusion

Each of the claims are directed to generating a master status of a user from the statuses of the user as reported by multiple computers at which the user is logged on. Even if one were motivated to modify Bunney as suggested by the Examiner, there would still be no master status. Rather, each of the multiple logged-on computers would simply have their own statuses.

Based on the above amendments and remarks, applicant respectfully requests reconsideration of this application and its early allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-8548.

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